

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:

BRENTLEY GLENN ROXBY and)	BANKRUPTCY NO. 17-70244-JAD
TERRI ANN ROXBY,)	
Debtors)	CHAPTER 13

BRENTLEY GLENN ROXBY and)	
TERRI ANN ROXBY,)	
Movants,)	RELATED TO DOC. NO. 57
vs.)	
)	
RONDA J. WINNECOUR, TRUSTEE,)	
Respondent)	

**ORDER CONFIRMING SALE OF REAL ESTATE FREE
AND DIVESTED OF LIENS**

AND NOW, this 15th day of April, 2019, upon consideration of the Debtors Motion To Sell Real Estate Free and Divested of Liens to 2B Development, LLC, after hearing held in Courtroom B, Penn Traffic Building., Johnstown, PA 15901, the Court finds:

1. That the service of the Notice of Hearing and Order setting hearing on said Motion for private sale of real property free and divested of liens of the above named Respondents, was effected on the following secured creditors whose liens are recited in said Motion for sale, viz:

DATE OF SERVICE

March 11, 2019

NAME OF LIEN OR AND SECURITY

First National Bank
One FNB Boulevard
Hermitage, PA 16148

Assigned to:

March 11, 2019

CL45 MW Loan 1, LLC
3144 S. Winton Road
Rochester, NY 14623

2. That sufficient general notice of said hearing and sale, together with the confirmation hearing thereon, was given to the creditors and parties in interest by the Movant as shown by the certificate of service duly filed and that the named parties were duly served with the Motion.

3. That said sale hearing was duly advertised on the Court's website pursuant to W.PA.LBR 6004-1(c) on March 18, 2019, in the **Somerset County Legal Journal** on March 15, 2019 and in the **Daily American** on March 19, 2019, as shown by the Proof of Publications duly filed or to be filed.

4. That at the sale hearing no higher offers were received and no objections to the sale were made which would result in cancellation of said sale.

5. That the price of **\$200,000.00** offered by **2B DEVELOPMENT, LLC** is a full and fair price for the property in question.

6. That the purchaser is acting in good faith with respect to the within sale in accordance with *In re Abbotts Dairies of Pennsylvania, Inc.*, 788 F2d 143 (C.A.3, 1986).

NOW THEREFORE, IT IS ORDERED, AND DECREED that the private sale by special warranty deed of the real property described in the Motion as 1101 Graham Avenue, Windber, Pennsylvania, is hereby confirmed to 2B Development, LLC for \$200,000.00, free and divested of the liens herein described; and, that the Trustee shall make, execute and deliver to the purchasers above named the necessary deed and/or other documents required to transfer title to the property purchased upon compliance with the terms of sale.

The sale of the Premises shall be in "AS IS", "WHERE IS" conditions, without representation of warranties of any kind whatsoever, and the participation of the purchaser in the sale process shall constitute an agreement and representation that the purchaser has inspected the Premises, and is purchasing the same solely on the basis of such inspection, and not as the result of any representation of any kind whatsoever by the Debtor, or his agents, except as otherwise set forth herein.

IT IS FURTHER ORDERED that after due notice to the claimants, lien creditors, and interest holders, and no objection on their parts having been made or, if made, resolved/overruled, the following expenses/costs shall immediately be paid at the time of closing:

- a.) First Mortgage holder CL 45 MW Loan 1, LLC to be paid in full,
- b.) Current real estate taxes pro-rated to the date of closing;
- c.) Daily American - Advertising in the sum of \$68.00;
- d.) Somerset Legal Journal - Advertising in the sum of \$75.00;
- e.) Attorney Fees to Forrest B. Fordham, III, in the sum of \$1,500.00;
- f.) Filing Fee of Motion Reimbursement to Forrest B. Fordham, III - \$181.00
- g.) 1% Transfer Tax;
- h.) Any delinquent Water and Sewer; Gas; Electric;
- i.) Municipal Certifications;
- j.) Delinquent real estate taxes on the property;
- k.) ½ Sales Proceeds to Barry Russo;
- l.) Ch. 13 Trustee Fees at 0%;
- m.) ½ of Sales Proceeds to Brently Roxby shall be disbursed to the Chapter 13 Trustee.

Failure of the closing agent to timely make disbursement required by this Order will subject the closing agent to monetary sanctions after notice and hearing.

IT IS FURTHER ORDERED that the Movant shall serve a copy of the within Order on each Respondent (i.e., each party against whom relief is sought) and its attorney of record, if any, upon any attorney or party who answered the motion or appeared at the hearing, the attorney for the debtors, the purchasers, and the attorney for the purchasers, if any, and file a certificate of service.

IT IS FURTHER ORDERED that closing shall occur within thirty (30) days of this Order and the Movant shall file a report of sale within seven (7) days following closing.

BY THE COURT:

4-15-2019

JEFFERY A. DELLER
UNITED STATES BANKRUPTCY COURT

CASE ADMINISTRATOR SHALL SERVE:

Brentley G. and Terri A. Roxby
Forrest B. Fordham, III, Esquire
Ronda J. Winnecour, Esquire
Office of United States Trustee

FILED
4/15/19 11:21 am
CLERK
U.S. BANKRUPTCY
COURT - WDPA

Certificate of Notice Page 4 of 4
United States Bankruptcy Court
Western District of Pennsylvania

In re:
Brentley Glenn Roxby
Terri Ann Roxby
Debtors

Case No. 17-70244-JAD
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-7

User: culy
Form ID: pdf900

Page 1 of 1
Total Noticed: 1

Date Rcvd: Apr 15, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Apr 17, 2019.
db/jdb +Brentley Glenn Roxby, Terri Ann Roxby, 335 Belmont Street, Johnstown, PA 15904-1551

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Apr 17, 2019

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on April 15, 2019 at the address(es) listed below:

Forrest B. Fordham, III on behalf of Debtor Brentley Glenn Roxby FFordhamlaw@msn.com,
fordham-law@hotmail.com
Forrest B. Fordham, III on behalf of Joint Debtor Terri Ann Roxby FFordhamlaw@msn.com,
fordham-law@hotmail.com
James Warmbrodt on behalf of Creditor Toyota Motor Credit Corporation bkgroup@kmlawgroup.com
KIMBERLY A. BONNER on behalf of Creditor CL45 MW Loan 1, LLC kab@jsdc.com,
jnr@jsdc.com/eaf@jsdc.com
Office of the United States Trustee ustpregion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteedpa.com
S. James Wallace on behalf of Creditor Peoples Natural Gas Company LLC sjw@sjwpgh.com,
srk@sjwpgh.com;PNGbankruptcy@peoples-gas.com

TOTAL: 7